

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 EA-06 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 IO-10 AID-05

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 9233

INFO AMEMBASSY COLOMBO

AMEMBASSY DACCA

WMEMBASSY KATHMANDU 7625

AMEMBASSY MOSCOW

AMEMBASSY MOSCOW

CINCPAC HONOLULU HI

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL HONG KONG

AMCONSUL MADRAS

USLO PEKING

C O N F I D E N T I A L SECTION 1 OF 2 NEW DELHI 7828

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, IN

SUBJ: MRS. GANDHI WILL NOT RESIGN PENDING APPEAL OF COURT
DECISION

REF: NEW DELHI 7748

SUMMARY: ALTHOUGH MRS. GANDHI HAS NOT YET SPOKEN DIRECTLY TO
THE POINT, IT IS GENERALLY UNDERSTOOD IN NEW DELHI THAT SHE HAS
DECIDED NOT TO RESIGN PENDING APPEAL TO THE SUPREME COURT.
THE NON-COMMUNIST OPPOSITION HAS CALLED A "RESIGNATION DEMAND
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WEEK" FOR JUNE 15-22 AND WILL TRY TO TIE UP THE NEXT

SESSION OF PARLIAMENT UNTIL IT GETS SATISFACTION OR A SUPREME COURT DECISION. CONGRESS PARTY LEADERS WITH ONE MINOR EXCEPTION CONTINUE TO URGED HER TO STAY ON, AS DO THE PRO-MOSCOW COMMUNISTS. THE PRESS IS DIVIDED. WE BELIEVE, ON THE BASIS OF HER PAST PERFORMANCE, THAT MRS. GANDHI WOULD PREFER TO STAY ON AND FIGHT IT OUT IN THE SUPREME COURT, ALTHOUGH LEGAL DETAILS AND LONGER-TERM REACTION WITHIN THE CONGRESS PARTY MIGHT CONCEIVABLY INFLUENCE HER OTHERWISE. END SUMMARY.

1. MOST JUNE 13 NEWSPAPERS REPORT UNEQUIVOCALLY THAT PRIME MINISTER INDIRA GANDHI HAS DECIDED NOT TO RESIGN PENDING A SUPREME COURT DECISION ON HER APPEAL OF THE SUCCESSFUL CHALLENGE TO HER 1971 ELECTION (SEE REFTEL). THE PRESS CITES SUPPORT FOR THIS DECISION FROM CONGRESS PARTY LEADERS (SEE BELOW) BUT DOES NOT QUOTE THE PRIME MINISTER ON THE DECISION NOT TO RESIGN. IN BRIEF STATEMENTS TO CONGRESS PARTY RALLIES OUTSIDE HER HOUSE ON JUNE 12, MRS. GANDHI REPORTEDLY SAID SHE WOULD CONTINUE TO SERVE THE PEOPLE NO MATTER WHERE SHE WAS. SHE WARNED THAT THE NATION WAS FACING DANGEROUS TIMES AS IT WAS NOT ONLY THREATENED ON THE ECONOMIC FRONT BUT ALSO BY INTERNAL AND EXTERNAL FORCES. "WE HAVE TO KEEP COURAGE AND FACE THE DIFFICULTIES -- WHICH HAVE ALWAYS COME -- IN THE WAY OF BUILDING A NEW BHARAT (INDIA), A NEW SOCIAL ORDER." WIRE SERVICES QUOTE HER AS TELLING SIMILAR RALLIES JUNE 13 THAT THE OPPOSITION HAD DEMANDED HER REMOVAL EVERY WEEK DURING THE LAST FOUR YEARS. "I DO NOT KNOW WHAT THEY HOPE TO GAIN BY THIS," SHE SAID. SHE DECLINED TO COMMENT ON THE ALLAHABAD HIGH COURT JUDGMENT EXCEPT TO NOTE THAT AN OPPOSITION COALITION CONTROLLED THE UP STATE GOVERNMENT AT THE TIME OF THE 1971 ELECTIONS.

2. CONGRESS PARTY REACTION: CONGRESS LEADERS AND WORKERS TROOPED TO MRS. GANDHI'S HOUSE JUNE 12. BESIDES THE PUBLIC SUPPORT BY SENIOR CABINET MINISTERS (REFTEL), EIGHT CHIEF MINISTERS IN DELHI ISSUED A JOINT STATEMENT THAT THE PEOPLE OF THEIR STATES WERE "SOLIDLY BEHIND THE PRIME MINISTER" AND THAT THEY WERE "CONVINCED THE STABILITY AND PROGRESS OF THE COUNTRY SHOULD CONTINUE TO BE ENTRUSTED TO HER TRIED AND TESTED LEADERSHIP." IN A LETTER TO MRS. GANDHI IN THE EVENING, CONFIDENTIAL

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THE CONGRESS PARLIAMENTARY BOARD URGED HER TO CONTINUE TO "LEAD AND GUIDE THE COUNTRY AS PRIME MINISTER." LATER, BETWEEN 125 AND 150 CONGRESS PARTY MEMBERS OF PARLIAMENT MET SEPARATELY TO ENDORSE THE BOARD'S RESOLUTION AND THEN WENT TO THE PRIME MINISTER'S HOUSE TO URGE HER TO CONTINUE IN OFFICE IN THE NATIONAL INTEREST.

3. THE ONLY DISCORDANT NOTE WITHIN THE PARTY CAME FROM THE

SMALL GROUP OF "YOUNG TURKS", WHO HAD ALREADY MOVED AWAY FROM MRS. GANDHI AND TOWARD J.P. NARAYAN. THEY BOYCOTTED THE MEETING AND ONE OF THEM, FORMER DEPUTY MINISTER MOHAN DARIA, REPORTEDLY SAID IN POONA THAT "MRS. GANDHI SHOULD VOLUNTARILY STEP DOWN FROM THE PRIME MINISTERSHIP IN THE INTEREST OF PARLIAMENTARY DEMOCRACY."

4. OPPOSITION REACTION: NON-COMMUNIST OPPOSITION LEADERS MET JUNE 12 TO WARN THAT "THE NATION WILL NOT ACCEPT DEBASEMENT OF THE CONSTITUTIONAL PROCEDURES" AND TO ANNOUNCE THEY WOULD OBSERVE A "RESIGNATION DEMAND WEEK" JUNE 15-22. ON JUNE 13 THEY SENT A TELEGRAM TO THE PRESIDENT, WHO IS STILL IN SRINAGAR, DECLARING THAT THEY DO NOT RECOGNIZE MRS. GANDHI AS PRIME MINISTER AND DEMANDING THAT HE RETURN TO DELHI BECAUSE OF THE "CONSTITUTIONAL CRISIS." THEY WARNED THAT IF BY JUNE 21 SHE DID NOT RESIGN OR THE PRESIDENT DID NOT DISMISS HER, THEY WOULD LEAD A MASSIVE MARCH ON THE PRESIDENTIAL RESIDENCE. J.P. NARAYAN SAID IN PATNA JUNE 13 THAT MRS. GANDHI'S DECISION TO STAY ON AS PRIME MINISTER WAS A "MOST SHAMEFUL AND CYNICAL PERFORMANCE." (CONGEN MADRAS HOWEVER REPORTS A SOMEWHAT MORE MODERATE INITIAL REACTION FROM OPPOSITION LEADERS IN TAMIL NADU, INCLUDING THE DMK CHIEF MINISTER OF THE STATE AND THE CONGRESS-O LEADER KAMRAJ.)

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C O N F I D E N T I A L SECTION 2 OF 2 NEW DELHI 7828

CINCPAC FOR POLAD

5. COMMUNIST REACTIONS: PRO-MOSCOW COMMUNIST PARTY OF INDIA (CPI) CHAIRMAN DANGE NOTED THAT THE PRIME MINISTER HAD NOT BEEN FOUND GUILTY OF "MORAL TURPITUDE" AND SAID THAT THE DECISION WOULD "DELIGHT THE HEARTS OF THE IMPERIALISTS AND COUNTER-REACTIONARIES." THE PRO-MOSCOW PATRIOT IN A GENERAL ANTI-COURT EDITORIAL NOTED THAT JUDICIAL DECISIONS COULD NOT "TRANSCEND THE TOTALITY OF PUBLIC OPINION IN A DEMOCRACY." A GROUP OF PRO-COMMUNIST CONGRESS PARTY MEMBERS CRITICIZED MOHAN DHARIA'S STATEMENT.

6. PRESS REACTION: THE PRESS DIVIDED ON THE RESIGNATION ISSUE,
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WITH THE ENGLISH LANGUAGE STATESMAN AND HINDUSTAN TIMES CALLING FOR MRS. GANDHI TO SETP DOWN WHILE THE TIMES OF INDIA, HINDU AND INDIAN EXPRESS WERE MOREMODERATE. THE PRO-CONGRESS NATIONAL HERALD EMPHASIZED THAT JUSTICE WILL NOT BE DONE UNTIL THE APPEAL IS DECIDED. IT CONCLUDED THAT "...INDIRA GANDHI IS NOT A MERE PRIME MINISTER. SHE REPRESENTS CAUSES AND ISSUES WHICH SHAPE HISTORY, AND SHE HAS ALWAYS WANTED TO BE NEARER TO HISTORY THAN TO OFFICE." THE HINDI-LANGUAGE HINDUSTAN AND NAV BHARAT TIMES URGED THAT MRS. GANDHI CONTINUE TO LEAD THE COUNTRY.

7. OUTLOOK: MRS. GANDHI'S LAWYERS REPORTEDLY WILL FILE THE APPEAL IN A FEW DAYS, AFTER STUDYING THE CERTIFIED COPY OF THE 258-PAGE DECISION. WE HAVE LITTLE ADDITIONAL INFORMATION ON WHEN THE SUPREME COURT WILL TAKE UP MRS. GANDHI'S CASE. THE PRESS OBSERVED THAT THE MANNER IN WHICH THE SUPREME COURT EXTENDS THE ALLAHABAD HIGH COURT STAY OF EXECUTION ORDER MAY PROVE IMPORTANT - PAST PRACTICE APPARENTLY HAS BEEN USUALLY TO REQUIRE A LEGISLATOR TO REMAIN OFF THE FLOOR OF THE HOUSE WHILE THE APPEAL IS CONSIDERED. THE LAWYER WHO HEADED THE TEAM WHICH CHALLENGED MRS. GANDHI'S ELECTION ARGUES THAT THE APPEAL WILL REQUIRE THAT THE ENTIRE CASE BE HEARD "DE NOVO", WHICH WOULD MEAN DELAY OF MONTHS OR YEARS. ASSUMING THE APPEAL MOVES MORE QUICKLY, WE WOULD THINK THAT AT SOME POINT THOSE CALLING

FOR MRS. GANDHI TO RESIGN, WILL BEGIN TO FOCUS MORE ON THE RESULT OF THE APPEAL. THERE WILL BE AN OUTBURST, HOWEVER, WHEN PARLIAMENT RECONVENES IN MID-JULY. THE OPPOSITION WAS ABLE TO TIE UP PARLIAMENT LAST FALL OVER CORRUPTION CHARGES INVOLVING A MINISTER (THE LATE L.N. MISHRA) AND WILL PRESUMABLY DO SO AGAIN IF THE VERDICT ON THE APPEAL ISN'T IN BY THEN.

8. COMMENT: MRS. GANDHI'S APPARENT DECISION TO STAY ON AS PRIME MINISTER IS CONSISTENT WITH HER REPUTATION AS A FIGHTER AND HER TENDENCY IN THE PAST, WHEN THWARTED, TO PERSIST UNTIL SHE HAS GOTTEN WHAT SHE WANTS. SHE MIGHT CHANGE HER MIND IN THE UNLIKELY EVENT THAT THE SUPREME COURT IN EXTENDING THE STAY ORDER PLACES RESTRICTIONS ON HER ABILITY TO FUNCTION AS PRIME MINISTER ON THE FLOOR OF PARLIAMENT. A DETERIORATION IN THE SUPPORT SHE NORMALLY ENJOYS WITHIN THE CONGRESS PARTY MIGHT ALSO CAUSE HER TO REVIEW HER OPTIONS. AT THIS POINT
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SHE IS ON THE DEFENSIVE, AND NEEDS THE BACKING OF THOSE CONGRESS PARTY LEADERS WHO PUBLICLY RALLIED TO HER SUPPORT YESTERDAY BUT WHO IN THE LONGER RUN COULD HAVE SECOND THOUGHTS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL SITUATION, PERSONNEL RESIGNATIONS, ELECTION FRAUD, POLITICAL PARTIES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NEWDE07828
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750206-0978
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750653/aaaabvow.tel
Line Count: 251
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 NEW DELHI 7748
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 13 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 JUN 2003 by CunninFX>; APPROVED <28 OCT 2003 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MRS. GANDHI WILL NOT RESIGN PENDING APPEAL OF COURT DECISION
TAGS: PINT, IN, (GANDHI, INDIRA)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006